

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroyuki ABURATANI et al.  
Serial No.: 10/568,471  
International Appl. No. PCT/JP2004/011650, filed August 6, 2004  
Filed: February 8, 2006  
For: **GENE OVEREXPRESSED IN CANCER**



MAIL STOP: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 10, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

S I R:

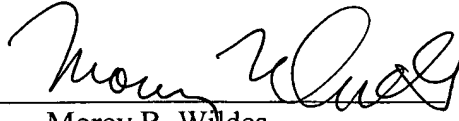
In response to the Notification of Missing Requirements from the United States Patent and Trademark Office dated August 21, 2006, a copy of which is enclosed, Applicants herewith submit an executed Declaration/Power of Attorney (3 pages) signed by the inventors.

Applicants also submit herewith a Preliminary Amendment amending the claims of the application. Based upon these amendments, this application now contains nine (9) total claims, including two (2) independent claims, such that no excess claims fee is due.

Also enclosed is a Supplemental Application Data Sheet, in order to update certain information, such as addresses of inventors, as well as an executed Assignment, Recordation Cover Sheet and a check in the amount of \$40.

If any additional fees are deemed to be due at this time, the Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Morey B. Wildes  
Reg. No. 36,968

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,471	Hiroyuki Aburantani	3921004

INTERNATIONAL APPLICATION NO.
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PCT/JP04/11650

I.A. FILING DATE	PRIORITY DATE
08/06/2004	08/08/2003

Davidson, Davidson & Kappel  
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 14th Floor  
 New York, NY 10018

**RECEIVED**  
 AUG 25 2006

**DAVIDSON, DAVIDSON & KAPPEL**

CONFIRMATION NO. 2970

371 FORMALITIES LETTER



\*OC000000020111285\*

Date Mailed: 08/21/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/08/2006
- Copy of the International Search Report filed on 02/08/2006
- Information Disclosure Statements filed on 02/08/2006
- Biochemical Sequence Diskette filed on 02/08/2006
- Biochemical Sequence Listing filed on 02/08/2006
- U.S. Basic National Fees filed on 02/08/2006
- Priority Documents filed on 02/08/2006

Ipm 8/25/06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1350 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$1480 for a Large Entity:

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 1350
  - \$800 for 4 independent claims over 3.
  - \$550 for 11 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)


*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

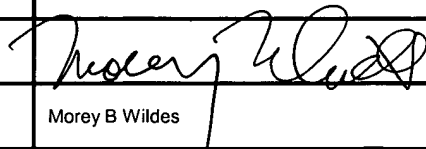
Telephone: (703) 308-9140 EXT 205

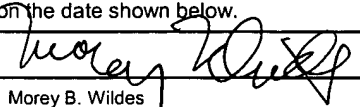
**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,471	PCT/JP04/11650	3921004

	<b>TRANSMITTAL FORM</b>		Application Number	10/568,471
			Filing Date	February 8, 2006
			First Named Inventor	ABURATANI, et al.
			Art Unit	Not Known Yet
			Examiner Name	Not Known Yet
Total Number of Pages in This Submission		6	Attorney Docket Number	392.1004

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Executed Decl/POA (3 pages) - Assignment/Recordation Cover Sheet (5) - Supplemental Application Data Sheet (5 pages) - Return Receipt Postcard - Check for \$40
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Davidson Davidson & Kappel, LLC		
Signature			
Printed Name	Morey B Wildes		
Date	October 10, 2006	Reg. No.	36,968

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Morey B. Wildes	Date	October 10, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.